

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6040 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
KANTIBHAI KASHIRAM PATEL & ORS.

Versus

GUJARAT VIDYUT BOARD & ORS.

-----  
Appearance:

MR HK RATHOD for Petitioners

MR VIMAL PATEL for Respondents

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/02/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. The dispute has been raised by petitioners in this case for the fixation of seniority in the category of diploma holders engineers. This petition has been filed by petitioners when a draft provisional seniority list has been published and on the basis of the same the

respondent-Board sought to make the promotions. This Court, on 3rd July 1987, directed the respondent-Board that the objections filed by petitioners and others who were similarly situated to the draft seniority list prepared by the respondent-Board should be dealt with at an early date, i.e. within four weeks from the date of the order. It has further been ordered that in the meantime the promotions, if any made, will be subject to the result of this Special Civil Application.

3. It is not in dispute that the objections which have been filed by petitioners and similarly situated persons against the draft seniority list have been decided and those objections of the petitioners were rejected. The learned counsel for the petitioners admitted that the decision of the Board to reject the objections of the petitioners against the draft seniority list has not been challenged. The learned counsel for the respondents made a statement before this Court that the petitioners have been given promotions to the next higher post also. This statement has not been controverted by learned counsel for the petitioners. In view of the fact that the objections filed by petitioners against the draft seniority list have not been accepted and that decision of the Board has not been challenged before this Court, this writ petition now no more survives. In case the petitioners have any grievance against the decision of the Board whereby their objections have been dismissed, then they should have challenged the said decision. The very act of the petitioners to accept that decision shows that they were not aggrieved of that decision. Once the objections are decided, the position as shown by the Board in the draft seniority list has attained the finality. Moreover, on the basis of that seniority, the petitioners have been given promotions also and which have been accepted. In view of these facts, nothing now survives in this Special Civil Application. In fact, this Special Civil Application has become infructuous and the same is dismissed accordingly. Rule discharged. No order as to costs.

.....

(sunil)